



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK C. KELIHER
COMMISSIONER

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Michael Pentony, Regional Administrator
NOAA Fisheries
Greater Atlantic Regional Office
55 Great Republic Drive
Gloucester, MA 01930

Dear Mike,

Thank you for your response to Maine's proposal for regulatory changes related to right whale interactions with the lobster fishery. I want to underscore one key point in response.

Maine's proposal includes additional risk reduction that will be achieved by extending measures into areas exempt from the Atlantic Large Whale Take Reduction Plan. Although not required in the federal plan, Maine is proposing that a single weak point be required in exempt waters to address the unlikely potential for a right whale to transit into this area. Additional risk reduction achieved by this proposed measure, as noted at the bottom of page 17 of our proposal, is not included in Maine's calculation of risk reduction.

Furthermore, existing Maine regulations provide additional risk reduction inside exempted waters, which provide benefit above and beyond the Take Reduction Plan's current requirements. These regulations include:

1. No float rope at the surface; and
2. No wet storage of gear (over 30 days); and
3. One of the following three options
 - a. Option 1: All buoys must be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds; or
 - b. Option 2: All buoy lines must be made entirely of sinking line; or
 - c. Option 3: All ground lines must be made entirely of sinking line.

We respectfully request that credit be assigned to these proposed and existing risk reduction measures as NOAA Fisheries evaluates the proposal that Maine has submitted.

We welcome the opportunity to continue working with your staff as NOAA prepares the proposed regulations and quantifies the risk reduction associated with Maine's full suite of measures. Please let me know if Maine DMR can assist with any further clarification around these issues.

Sincerely,

Patrick C. Keliher
Commissioner